IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEL MAR SEAFOODS INC.,

Plaintiff,

No. C 07-02952 WHA

FINAL PRETRIAL ORDER

v.

BARRY COHEN, CHRIS COHEN (a/k/a CHRISTINE COHEN), *in personam*, and F/V POINT LOMA, Official Number 515298, a 1968 steel-hulled, 126-gross ton, 70.8 foot long fishing vessel, her engines, tackle, furniture apparel, etc., *in rem*, and DOES 1–10,

Defendant.

FOR GOOD CAUSE and after a final pretrial conference, the Court issues the following final pretrial order:

- 1. This case shall go to a **BENCH TRIAL** on **MAY 20, 2008**, at **7:30 A.M.**, and shall continue until completed on the schedule discussed at the conference. The issues to be tried shall be those set forth in the joint proposed pretrial order except to the extent modified by order *in limine*. This final pretrial order supersedes all the complaint, answer and any counterclaims, cross-claims or third-party complaints, *i.e.*, only the issues expressly identified for trial remain in the case.
 - 2. The single motion *in limine* based on the parol evidence rule is **DENIED**.

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

26

27

28

	3.	Except for good cause, each party is limited to the witnesses and exhibits
disclo	osed in	the joint proposed final pretrial order less any excluded or limited by an order
in lin	iine. N	Materials or witnesses used solely for impeachment need not be disclosed and may
be us	ed, sul	bject to the rules of evidence.

- 4. The stipulations of facts set forth in the joint proposed final pretrial order are approved and binding on all parties.
- 5. As agreed to at the final pretrial conference, each side shall have SIX HOURS to examine witnesses (counting direct examination, cross-examination, re-direct examination, re-cross examination, etc.).
- 7. The parties shall follow the Court's current Guidelines for Trial and Final Pretrial Conference, separately provided and available on the Internet at http://www.cand.uscourts.gov, which guidelines are incorporated as part of this order.

IT IS SO ORDERED.

Dated: May 5, 2008.

UNITED STATES DISTRICT JUDGE